

EXHIBIT 2

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, a Washington
limited liability company, et al., on behalf of
themselves and others similarly situated,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983 TSZ

PLAINTIFF HUNTERS CAPITAL, LLC'S
FIRST SET OF INTERROGATORIES TO
DEFENDANT CITY OF SEATTLE

Pursuant to Fed. R. Civ. P. 26 and 33 Plaintiff HUNTERS CAPITAL, LLC, a Washington limited liability company, by its undersigned attorneys, hereby propounds the following interrogatories to Defendant, City of Seattle ("Defendant" or the "City"). Defendant shall respond to these interrogatories within thirty (30) days of service. Responses are to be served to Calfo Eakes LLP, 1301 Second Avenue, Suite 2800, Seattle, WA 98101. The requests below are continuing and impose upon Defendant the obligations stated in Fed. R. Civ. P. 26.

I. INSTRUCTIONS

1. When answering the Interrogatories below, please provide all information available to you, your attorneys, agents, employees, servants, independent contractors, representatives, or others with whom you have a relationship and are capable of obtaining relevant information, as well as information derived from documents or other sources of information in your possession, under your control, within your dominion, or available to you regardless of whether the document or source is in your personal possession or is possessed by your agents, servants, employees, independent contractors, representatives or others with whom you have a relationship and who possesses relevant information.

2. If any Interrogatory is not answered in full, state the precise reason for failing to complete the answer. If any Interrogatory is not answered because of a claim of privilege, please set forth the name and address of any witness who has knowledge relevant to the question which is not answered on that basis, and the grounds upon which the claims of privilege are asserted, including the factual context of the claim. If a legal objection is made with respect to any Interrogatory, set forth the specific reason for such objection. If only a portion of any Interrogatory cannot or will not be answered, provide the fullest answer to the Interrogatory and thereafter specifically set forth: (a) the fact that the answer is incomplete; and (b) an explanation for your failure to provide a complete answer.

3. Unless a request specifies otherwise, you should construe each request as seeking information pertaining to the entire time period as to which Plaintiff has made allegations in the Complaint.

4. Pursuant to Federal Rule of Civil Procedure 26(e), these interrogatories are continuing in nature, and therefore require Defendant to furnish supplemental answers whenever it obtains different or additional knowledge, information, or belief relative to these interrogatories.

II. DEFINITIONS

1. “Plaintiffs,” refers to the plaintiffs in this action, i.e. Hunters Capital LLC, SRJ Enterprises d/b/a Car Tender, The Richmark Company, Northwest Liquor and Wine LLC, Onyx Homeowners Association, Wade Billers, Madrona Real Estate Services LLC, Madrona Real Estate Investors IV LLC, Madrona Real Estate Investors VI LLC, 12th & Pike Associates LLC, Redside Partners LLC, Magdalena Sky d/b/a Tattoos and Fortunes, Bergman’s Lock and Key Services LLC, and Olive St. Apartments LLC, Matthew Ploszaj, Argento LLC, Rancho Bravo, Inc., Sway and Cake LLC, and Shuffle LLC.

2. “Defendant,” “you,” and “yours” shall refer to the defendant in this action, the City of Seattle, including all its agencies, subdivision, departments, contractors and/or agents.

3. “Communication” includes any oral or written statement, any in-person or telephonic communication between two or more persons, and any analysis, summary, note, comment, document, or other description of a communication or conversation, regardless of its form, including email, voicemail, or other electronic form of communication.

4. “Complaint” or “Compl.” means the operative filed in this matter.

5. “Concerning” means constituting, containing, discussing, embodying, reflecting, identifying, stating, supporting, contradicting, alluding to, referring to, relating to, or confirming that which is pertinent to a matter.

6. “Date” shall mean the exact date, month, and year, if ascertainable, or, if not, the best approximation of the date (based upon any relationship with other events).

7. “Document(s)” is used in the broadest sense and includes, but is not limited to, the following items, whether printed or recorded or reproduced by any other mechanical or electronic process or writing, or produced by hand, namely: email, hard-drive, electronic and hard-copy versions of agreements, communications, including intracompany communications,

1 correspondence, telegrams, memoranda, records, books, summaries of records of personal
 2 conversations or interviews, diaries, forecasts, statistical statements, accountants' work papers,
 3 graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, reports
 4 and/or summaries of negotiations, brochures, pamphlets, circulars, trade letters, press releases,
 5 contracts, notes, projections, drafts of any documents, working papers, securities ledgers, checks
 6 (front and back), check stubs or receipts, any other documents or writings of whatever description
 7 including but not limited to any information contained in or accessible from any computer although
 8 not yet printed out within your possession, custody or control or the possession, custody or control
 9 of any agent, employee (including without limitation, attorneys, accountants and investment
 10 bankers and advisers), or other person acting or purporting to act on your behalf.

11 8. "Each" shall be construed to include the word "every," and the word "every" shall
 12 be constructed to include the word "each."

13 9. "Identify" with respect to communications (including oral, written, telephonic or
 14 electronic communications) shall mean to give, to the extent known: (a) the communications'
 15 medium, e.g., written, oral, telephonic or electronic; (b) the date of each such communication; (c)
 16 the identity of all persons who were present at or participated in each such communication; (d) the
 17 substance and nature of each such communication; and (e) identification of all documents which
 18 relate to and reflect each such communication.

19 10. "Identify" with respect to documents shall mean to give, to the extent known, (a)
 20 the type of document; (b) the general subject matter; (c) the date of the document; and (d) the
 21 author(s), addressee(s), and recipient(s).

22 11. "Identify" with respect to events shall mean, and shall require you to: (a) provide
 23 detailed information such as the date, time, place and circumstances relating to the topic,
 24 contention, allegation, subject, event, or issue; (b) state all facts relating to the topic, contention,
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1 allegation, subject, event, or issue; (c) identify all persons who you know or believe have
 2 knowledge or information relating to the topic, contention, allegation, subject, event, or issue; (d)
 3 identify all communications relating to the topic, contention, allegation, subject, event, or issue;
 4 and (e) identify all documents relating to the topic, contention, allegation, subject, event, or issue.

5 12. “Identify,” when used with respect to a Person, means to state for each Person the
 6 Person’s name, job title, address, telephone number, email address, and any other contact
 7 information for that person in your possession. Once a person has been identified in accordance
 8 with this subparagraph, only the name of that person need be listed in response to subsequent
 9 discovery requesting the identification of that person.

10 13. “Or” and “and” shall be inclusive and shall be used conjunctively and disjunctively
 11 as is necessary to bring within the scope of these requests any information that might otherwise be
 12 outside their scope.

13 14. “Person” means any individual, corporation, partnership, joint venture, firm,
 14 association, proprietorship, agency, board, authority, commission, or other entity.

15 15. “CHOP” refers to the areas occupied by protestors in the Capitol Hill neighborhood of
 16 City of Seattle, Washington beginning in early June 2020, which have been variously described as the
 17 “CHAZ,” standing for the “Capitol Hill Autonomous Zone,” or “CHOP” for “Capitol Hill Organized
 18 Protest” or “Capitol Hill Occupying Protest.”

19 16. The “CHOP zone” refers to the area of the Capitol Hill neighborhood in the City of
 20 Seattle in and around the areas occupied by CHOP participants, which is the area bound by the
 21 following streets: Denny Way, Union Street, Thirteenth Avenue, and East Broadway, as well as the
 22 areas within three blocks of the area bounded by those streets.

23 17. “CHOP participant” refers to any person who participated in and advocated for the
 24 existence of CHOP and/or the occupation of the CHOP zone, any person who camped out in or
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1 otherwise resided overnight (excluding the area's permanent residents) in the CHOP zone, and/or any
2 person who was present in the CHOP zone for purposes of protesting or expressing solidarity with
3 protestors.

4 18. "SPD" refers the Seattle Police Department, a division of Defendant.

5 19. "SFD" refers the Seattle Fire Department, a division of Defendant.

6 20. "SDOT" refers the Seattle Department of Transportation, a division of Defendant.

7 21. "SPU" refers to Seattle Public Utilities, a division of Defendant.

8 **III. INTERROGATORIES**

9 **INTERROGATORY NO. 1:** Please identify and describe each instance on which
10 Defendant received requests for police services between June 8, 2020 and July 10, 2020 that
11 reported or requested a response to an incident within the CHOP zone or involving a CHOP
12 participant, including but not limited to any 9-1-1 calls or calls to SPD or its officers.

13 **ANSWER:**
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16 **INTERROGATORY NO. 2:** Please identify and describe each instance on which
17 Defendant received requests for emergency and/or first responder services, including but not
18 limited to paramedic, ambulance, or other medical services, between June 8, 2020 and July 10,
19 2020, that reported or requested a response to an incident within the CHOP zone or involving a
20 CHOP participant, including but not limited to any 9-1-1 calls or calls to SFD or SPD.

21 **ANSWER:**
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1 **INTERROGATORY NO. 3:** Please identify and describe each instance on which
2 Defendant received requests for emergency services for fire protection, between June 8, 2020 and
3 July 10, 2020, that requested a response to an incident within the CHOP zone or involving a CHOP
4 participant, including but not limited to any 9-1-1 calls or calls to SFD.

5 **ANSWER:**
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8 **INTERROGATORY NO. 4:** Please identify each and every complaint Defendant has
9 received relating or referring to the CHOP from June 8, 2020 to the present.

10 **ANSWER:**
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13 **INTERROGATORY NO. 5:** Please identify and describe each and every tort claim (or
14 damages claim) Defendant has received concerning, referencing, or regarding the CHOP, an injury
15 in the CHOP zone, or involving a CHOP participant, from June 8, 2020 to the present.

16 **ANSWER:**
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19 **INTERROGATORY NO. 6:** Please identify and describe every instance on which
20 Defendant provided municipal services in the CHOP zone during the presence of the CHOP
21 occupation from June 8, 2020 through July 10, 2020.

22 **ANSWER:**
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1 **INTERROGATORY NO. 7:** Please identify and describe every instance on which
2 Defendant provided barriers and/or barricades at or near the CHOP zone, including offering or
3 providing barriers to CHOP participants, placing them at or near the CHOP zone, or leaving them
4 in such a location that they were, or could have been, used by CHOP participants.

5 **ANSWER:**
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8 **INTERROGATORY NO. 8:** Please identify and describe every instance on which
9 Defendant provided means of sanitation, including but not limited to outhouses or other toilettes,
10 wash stations, and/or garbage receptacles, at or near the CHOP zone or were provided to CHOP
11 participants such that they were placed within or near the CHOP zone.

12 **ANSWER:**
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15 **INTERROGATORY NO. 9:** Please identify and describe every instance on which
16 Defendant provided means of medical assistance, including medical tents and medical supplies, in
17 or near the CHOP zone, including to CHOP participants such that they could be used within or
18 near the CHOP zone by CHOP participants.

19 **ANSWER:**
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22 **INTERROGATORY NO. 10:** Please identify and describe every shooting incident you
23 are aware of that occurred within or near the CHOP zone from June 8, 2020 to the present. For
24 each incident you identify, describe in detail Defendant's response to that incident, including but
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1 not limited to any actions taken by SPD and any medical, first responder, paramedic or ambulance
2 response that was provided.

3 **ANSWER:**

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6 **INTERROGATORY NO. 11:** Please identify and describe every incident of violence
7 (other than any shootings described above in response to Interrogatory No. 10), harassment,
8 criminal threats, theft, arson, burglary, assault, vandalism or other crimes you are aware of that
9 occurred at or near the CHOP zone from May 26, 2020 to the present. For each incident you
10 identify, describe in detail Defendant's response to that incident, including but not limited to any
11 actions taken by SPD and any medical, first responder, paramedic or ambulance response that was
12 provided.

13 **ANSWER:**

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16 **INTERROGATORY NO. 12:** Please identify all officials, employees, agents and/or
17 contractors of Defendant who were involved in the Defendant's response to the CHOP occupation
18 and protest. For each person you identify, describe in detail that person's role in Defendant's
19 strategy or policy concerning CHOP, the CHOP zone, and the conditions in the Capitol Hill
20 neighborhood of Seattle during the CHOP occupation.

21 **ANSWER:**

1 **INTERROGATORY NO. 13:** Please identify and describe all communications, orders,
2 and directions, whether written or oral, given to Defendant's officials, agents, contractors, and
3 employees, including but not limited to SPD officers and employees, first responders, SFD
4 firepersons and employees, SDOT officials and employees, and SPU officials and employees
5 related to or referencing the CHOP or incidents occurring at or near the CHOP zone.

6 **ANSWER:**
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9 **INTERROGATORY NO. 14:** Please identify and describe each instance between June
10 8, 2020, and July 10, 2020, on which Defendant, including Defendant's employees, agents, or
11 contractors, told any person that they would not or could not provide emergency, medical, first
12 responder, police, fire, transportation, sanitation, or other municipal services in the CHOP or
13 CHOP zone, including but not limited to Defendant's responses to calls to 9-1-1, SPD, SFD,
14 SDOT, and/or SPU.

15 **ANSWER:**
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18 **INTERROGATORY NO. 15:** Please identify and describe all efforts Defendant made to
19 remove CHOP participants and encampments from Cal Anderson Park between June 8, 2020 and
20 July 10, 2020. For each effort you identify, please describe in detail the action taken, including
21 the dates on which those actions were taken and who was involved in those actions.

22 **ANSWER:**
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1 **INTERROGATORY NO. 16:** Please identify and describe all efforts Defendant made to
2 recover control of SPD's East Precinct building between June 8, 2020 and July 10, 2020. For
3 each effort you identify, please describe in detail the action taken, including the dates on which
4 those actions were taken, and who was involved in those actions.

5 **ANSWER:**
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8 **INTERROGATORY NO. 17:** Please identify and describe all efforts Defendant made to
9 remove CHOP participants from the CHOP zone between June 8, 2020 and July 10, 2020. For
10 each effort you identify, please describe in detail the action taken, including the dates on which
11 those actions were taken, and who was involved in those actions.

12 **ANSWER:**
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15 **INTERROGATORY NO. 18:** Please identify and describe all efforts Defendant made to
16 remove barricades or other obstructions from the roads and sidewalks of the CHOP zone between
17 June 8, 2020 and July 10, 2020. For each effort you identify, please describe in detail the action
18 taken, including the dates on which those actions were taken, and who was involved in those
19 actions.

20 **ANSWER:**
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23 **INTERROGATORY NO. 19:** Please identify and describe all arrests made by
24 Defendant, including by SPD or its officers, within the CHOP zone or of any CHOP participant
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1 between June 8, 2020 and July 10, 2020. For each arrest you identify, describe in detail the
2 circumstances of that arrest, including but not limited to the conduct that lead to the arrest, where
3 and when the conduct occurred, the officers involved in the arrest, and any charges made as a result
4 of the arrest.

5 **ANSWER:**

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8 **INTERROGATORY NO. 20:** Please identify and describe all permits Defendant issued
9 relating to activities in the CHOP zone between May 26, 2020 and July 10, 2020, including but
10 not limited to any permits related to public gatherings, public events, protests, street closures, or
11 the dispensing or sale of food or beverages.

12 **ANSWER:**

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15 **INTERROGATORY NO. 21:** Please identify and describe all violations of the Seattle
16 Municipal Code or regulations that Defendant is aware of concerning activities in the CHOP zone
17 or involving CHOP participants between May 26, 2020 and July 10, 2020, including all citations
18 for such violations Defendant issued.

19 **ANSWER:**

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22 **INTERROGATORY NO. 22:** Please identify and describe all public record requests that
23 concern, reference, or relate to the CHOP, the CHOP zone, or CHOP participants. For each request
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1 for public records you identify, please describe the circumstances of that request, including the
2 requestor, the date of the request, and the records or documents sought.

3
4 DATED this 31st day of August, 2020.

5
6 **CALFO EAKES LLP**

7 By /s/ Patty A. Eakes

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24
25

CERTIFICATE OF SERVICE

I, Lixi Aylin Colmenero, declare that I am employed by the law firm of Calfo Eakes LLP, a resident of the state of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On August 31, 2020, I caused a true and correct copy of the foregoing document to be served on counsel listed below in the manner indicated.

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☐ Via Legal Messengers
☐ Via First Class Mail
☐ Via Facsimile
☒ Via Electronic Mail
☐ Via King County Clerk E-Service

DATED this 31st day of August, 2020.

s/Lixi Aylin Colmenero
Lixi Aylin Colmenero